

**Amendments to Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claims 1-41 (canceled)

Claim 42. (currently amended) An isolated polynucleotide comprising:

- (a) a nucleotide sequence encoding a polypeptide having ~~ornithine acetyltransferase~~ glutamine amidotransferase (HisHF) activity, wherein the polypeptide has an amino acid sequence of at least 85% sequence identity, based on the Clustal-V method of alignment, when compared to ~~one of~~ SEQ ID NO:2, or
- (b) a full complement of the nucleotide sequence of (a).

Claim 43. (currently amended) The polynucleotide of Claim 42 wherein the amino acid sequence of the polypeptide has at least 90% sequence identity, based on the Clustal-V method of alignment, when compared to SEQ ID NO:2.

Claim 44. (currently amended) The polynucleotide of Claim 42 wherein the amino acid sequence of the polypeptide has at least 95% sequence identity, based on the Clustal-V method of alignment, when compared to SEQ ID NO:2.

Claim 45. (previously presented) The polynucleotide of Claim 42, wherein the amino acid sequence of the polypeptide comprises SEQ ID NO:2.

Claim 46. (previously presented) The polynucleotide of Claim 42, wherein the nucleotide sequence comprises SEQ ID NO:1.

Claim 47. (previously presented) A recombinant DNA construct comprising the polynucleotide of Claim 42 operably linked to at least one regulatory sequence.

Claim 48. (previously presented) The recombinant DNA construct of Claim 47, wherein the recombinant DNA construct is an expression vector.

Claim 49. (previously presented) A transgenic cell or a virus comprising the recombinant DNA construct of Claim 47.

Claim 50. (previously presented) The transgenic cell of Claim 49, wherein the cell is selected from the group consisting of a yeast cell, a bacterial cell, an insect cell, and a plant cell.

Claim 51. (previously presented) A transgenic plant comprising the polynucleotide of Claim 42.

Claim 52. (previously presented) A method for transforming a cell comprising introducing into a cell the polynucleotide of Claim 42.

Claim 53. (previously presented) A method for producing a transgenic plant comprising (a) transforming a plant cell with the polynucleotide of Claim 42, and (b) regenerating a plant from the transformed plant cell.

Claim 54. (currently amended) A method for positive selection of a transformed cell comprising:

- (a) transforming a plant cell with the recombinant DNA construct of Claim 47 or ~~an~~the expression vector of Claim 48; and
- (b) growing the transformed plant cell under conditions allowing expression of the polynucleotide in an amount sufficient to complement a HisHF mutant histidine biosynthetic auxotroph to provide a positive selection means.

Claim 55. (previously presented) The method of Claim 54, wherein the plant cell is a monocot.

Claim 56. (previously presented) The method of Claim 55, wherein the monocot is corn.